

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 213 of 2019**

1. Ram Khilawan, S/o. Late Shri Murli Ram Kachhi, Aged About 59 Years,
2. Chanda Bai, W/o. Shri Ram Khilawan Kachhi, Aged About 55 Years, R/o. Village- Chhapra Tola, Jhagrakhand, Police Station- Gaurella, Tehsil- Pendra- Road, District- Bilaspur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Gaurella, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Achyut Tiwari, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/03/2019**

1. Apprehending arrest in connection with Crime No.08/2019, registered at Police Station – Gaurella, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. Totally false allegations has been made against these applicants, who happen to be her parents-in-law. The applicant No.1 is government servant and the applicant No.2 is an aged woman and both have played no role in torturing and assaulting the complainant. Money was demanded by the son of the applicants and not by these applicants, therefore, there was no

reason to involve them in this case. The applicants are ready to abide all the conditions imposed upon them while releasing them on anticipatory bail. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is alleged that the complainant has made allegations against these applicants also that they have tortured and assaulted her on the date of incident. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the complainant with son of the applicants had taken place in the year 2015. No other incident has been narrated in the complaint before that of 27.11.2018. It is alleged by the complainant that her husband was making demand of Rs.50,000/- from her father and when the same was not fulfilled, the complainant was subjected to torture and beaten and injured by her husband and other co-accused persons. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary as the demand was not from the side of these applicants and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge